

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:08-CV-198-FDW-DCK**

LEAH BURGIN and BOBBY BURGIN,
individually and as Administrators of the
Estate of Jaycee Burgin,

Plaintiffs,

v.

SAGEBRUSH OF NORTH CAROLINA, LLC,
SAGEBRUSH/TENNESSEE, LLC,
SAGEBRUSH STEAKHOUSE, CAROUSEL
PARTNERS, L.P., and HOLTEN MEAT, INC.

Defendants.

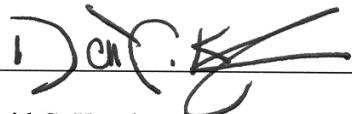
ORDER

THIS MATTER IS BEFORE THE COURT on “Plaintiffs’ Motion For Leave To Conduct Limited Discovery Pursuant To Rule 26(d)” (Document No. 2), filed May 2, 2008. Defendants have not responded to the motion. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b) and is now ripe for review.

Having carefully considered the argument, the record, and the applicable authority, the Court in its discretion will deny the motion for now, without prejudice to Plaintiffs to re-file at a later date. The record indicates that few, if any, of the Defendants have been served with a summons in this matter as required by Rule 4 of the Federal Rules of Civil Procedure. Plaintiffs also have not filed any waivers of service of summons, although the Court is informed such waivers have been sought.

IT IS, THEREFORE, ORDERED that “Plaintiffs’ Motion For Leave To Conduct Limited Discovery Pursuant To Rule 26(d)” (Document No. 2) is **DENIED WITHOUT PREJUDICE** to re-file at a later date.

Signed: June 2, 2008



David C. Keesler
United States Magistrate Judge

